

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

**COMPRESSION LABS,
INCORPORATED,**

BY _____

Plaintiff,

CIVIL ACTION NO. 2-04CV-158-DF

v.

**ADOB SYSTEMS,
INCORPORATED, et al,**

JURY TRIAL DEMANDED

Defendants.

MOTION TO DISMISS

NOW COME the Plaintiff, COMPRESSION LABS, INCORPORATED, and Defendant, ADOBE SYSTEMS, INCORPORATED, and respectfully move the Court to dismiss this cause of action against Defendant, ADOBE SYSTEMS, INCORPORATED, and in support thereof would respectfully show the Court as follows:

I.

All matters in controversy between the Plaintiff, COMPRESSION LABS, INCORPORATED, and the Defendant, ADOBE SYSTEMS, INCORPORATED, have been settled and compromised, and the parties therefore move to dismiss all causes of action asserted in this suit by Plaintiff against the Defendant, ADOBE SYSTEMS, INCORPORATED, with prejudice to the right to pursue any such claims in the future. The parties further move that all attorneys fees and costs of court be borne by the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, the parties pray that this action be dismissed with prejudice as to the Defendant, ADOBE SYSTEMS, INCORPORATED, with all attorneys fees and costs of court being borne by the party who incurred them.

Dated: June 21, 2004

Respectfully submitted,

By: Stephen G. Rudisill by SCC b/c per permission
Stephen G. Rudisill, Attorney-in-Charge
Texas State Bar No. 17376050
John C. Gatz
Illinois State Bar No. 6237140
Russell J Genet
Illinois State Bar No. 6255982
Justin D. Swindells
Illinois State Bar No. 6257291
Gary E. Hood
R. David Donoghue
Cynthia K. Thompson
Jenkens & Gilchrist
225 W Washington St
Suite 2600
Chicago, IL 60606-3418
Telephone: (312) 425-3900
Facsimile: (312) 425-3909
E-mail: srudisill@jenkens.com

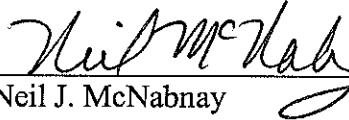
Franklin W. Jones, Jr.
Texas State Bar No. 00000055
Jones & Jones - Marshall
201 W Houston St
P. O. Drawer 1249
Marshall, TX 75670
Telephone: (903) 938-4395
Facsimile: (903) 938-3360
E-mail: maizieh@millerfirm.com

Otis W. Carroll, Jr
Texas State Bar No. 03895700
Jack Wesley Hill
Texas State Bar No. 24032294
Ireland Carroll & Kelley, PC
6101 S Broadway
Suite 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071
E-mail: fedserv@icklaw.com

S. Calvin Capshaw
Texas State Bar No. 03783900
Brown McCarroll, L.L.P.
1127 Judson Rd - Ste 220
P.O. Box 3999
Longview, TX 75606-3999
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
E-mail: ccapshaw@mailbmc.com

Carl Roth
Texas State Bar No. 17312000
Michael Charles Smith
Texas State Bar No. 18650410
The Roth Law Firm
115 N Wellington Suite 200
Marshall, TX 75670
Telephone: (903) 935-1665
Facsimile: (903) 935-1797
E-mail: cr@rothfirm.com
E-mail: ms@rothfirm.com

ATTORNEYS FOR PLAINTIFF

By: 
Neil J. McNabnay

Attorney in Charge
State Bar No. 24002583
Fish & Richardson P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: 214-292-4051
Facsimile: 214-747-2091
mcnabnay@fr.com

Robert T. Haslam
CA State Bar No. 71134
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-6017
E-mail: rhaslam@hewm.com

ATTORNEYS FOR DEFENDANT,
ADOBE SYSTEMS, INC.

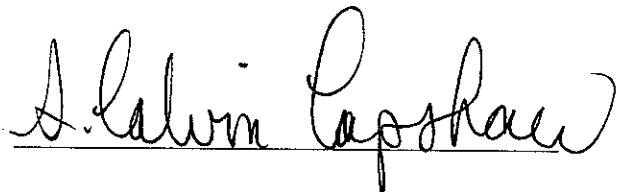
CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June, 2004, a true and correct copy of the foregoing Motion to Dismiss was deposited in the United States Mail, postage prepaid, and addressed to the following counsel of record:

<u>Adobe Systems, Incorporated</u> Robert T. Halsam Heller Ehrman White & McAuliffe LLP 275 Middlefield Road Menlo Park, California 94025-3506	<u>Creative Labs, Incorporated</u> Attention: Legal Department 1901 McCarthy Boulevard Milpitas, California 95035
<u>Agfa Corporation</u> Attention: Legal Department 100 Challenger Road Ridgefield Park, New Jersey 07660	<u>Eastman Kodak Company</u> Nicholas H. Patton Robert W. Schroeder, III Patton, Tidwell & Schroeder, LLP 4605 Texas Boulevard P.O. Box 5398 Texarkana, Texas 75505
<u>Apple Computer, Incorporated</u> Herschel Tracy Crawford Eric H. Findlay Ramey & Flock 100 East Ferguson, Suite 500 Tyler, Texas 75702	<u>Fuji Photo Film U.S.A.</u> Attention: Legal Department 200 Summit Lake Drive Valhalla, New York 10595
<u>Axis Communications, Incorporated</u> Barry W. Graham Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315	<u>Fujitsu Computer Products of America</u> Michael M. Murray Christopher Chalsen Milbank, Tweed, Hadley & McCloy LLP 1 Chase Manhattan Plaza New York, New York 10005-1413
<u>Canon U.S.A., Incorporated</u> Attention: Legal Department One Canon Plaza, Lake Success New York, New York 10042	<u>Gateway, Incorporated</u> W. Bryan Farney Darryl J. Adams Dewey Ballantine LLP 401 Congress Avenue Suite 3200 Austin, Texas 78701-2478
<u>Concord Camera Corporation</u> Kerry Sisselman 400 Hollywood Boulevard Suite 659 North Hollywood, Florida 33021	<u>Hewlett-Packard Company</u> Sean C. Cunningham Bruce Watrous Gray Cary Ware & Freidenrich LLP 401 B Street, Suite 2000 San Diego, California 92101-4240

<p><u>JASC Software</u> Deakin T. Lauer Merchant & Gould PC 3200 IDS Center 80 South Eighth Street Minneapolis, Minneapolis 55402</p> <p>Franklin A. Poff, Jr. Crisp, Boyd & Poff, LLP 2301 Moores Lane P.O. Box 6297 Texarkana, Texas 75505</p>	<p><u>Matsushita Electric Corporation of America</u> Morton Amster Abraham Kasdan Joseph Casino Amster, Rothstein & Ebenstein, LLP 90 Park Avenue New York, New York 10016</p> <p>Eric M. Albritton Albritton Law Firm P.O. Box 2649 Longview, Texas 75606-2649</p>
<p><u>JVC Americas Corporation</u> Attention: Legal Department 1700 Valley Road, Suite 1 Wayne, New Jersey 07470</p> <p><u>Kyocera Wireless Corporation</u> Jennifer P. Ainsworth Wilson, Sheehy, Knowles, Robertson & Cornelius, P.C. 315 East Fifth Street Tyler, Texas 75701</p>	<p><u>Mitsubishi Digital Electronics America, Incorporated</u> Attention: Legal Department 9351 Jeronimo Road Irvine, California 92618</p> <p><u>Oce North America, Incorporated</u> Frederick H. Colen Reed Smith LLP 435 Sixth Avenue Pittsburgh, PA 15219</p> <p>Clyde Siebman Siebman Reynolds Burg & Phillips, LLP Federal Courthouse Square 300 N. Travis Street Sherman, Texas 75090</p>
<p><u>Macromedia Incorporated</u> Charlene Morrow Fenwick & West LLP 801 California Street Mountainview, California 94041</p> <p>Harry Lee Gillam, Jr. Melissa Smith Gillam & Smith LLP 110 South Bolivar Street Suite 204 Marshall, Texas 75670</p>	<p><u>Onkyo USA Corporation</u> Robert F. Zielinski Wolf, Block, Schorr and Solis-Cohen LLP 1650 Arch Street, 22nd Floor Philadelphia, Pennsylvania 19103</p> <p>Barry J. Bendes Wolf, Block, Schorr and Solis-Cohen LLP 250 Park Avenue New York, New York 10177</p>

<p><u>PalmOne, Incorporated</u> Attention: Legal Department 400 North McCarthy Boulevard Milpitas, California 95035</p> <p>Panasonic Communications Corporation of America/ Panasonic Mobile Communications <u>Development Corporation of U.S.A.</u> Morton Amster Abraham Kasdan Joseph Casino Amster, Rothstein & Ebenstein, LLP 90 Park Avenue New York, New York 10016</p> <p>Eric M. Albritton Albritton Law Firm P.O. Box 2649 Longview, Texas 75606-2649</p>	<p><u>Savin Corporation</u> Attention: Legal Department 333 Ludlow Street Stamford, Connecticut 06902</p> <p><u>Thomson Inc.</u> Attention: Legal Department 10330 North Meridian Street Indianapolis, Indiana 46290</p>
<p><u>Ricoh Corporation</u> Attention: Legal Department 5 Dedrick Place West Caldwell, New Jersey 07006</p> <p><u>Riverdeep, Incorporated (d.b.a. Broderbund)</u> Attention: Legal Department 500 Redwood Boulevard Novato, California 94947</p>	<p><u>Xerox Corporation</u> Attention: Legal Department 800 Long Ridge Road Stamford, Connecticut 06904</p>



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JURY TRIAL DEMANDED

Defendants.

ORDER OF DISMISSAL WITH PREDJUDICE

CAME ON THIS DAY for consideration the Motion to Dismiss of Plaintiff, COMPRESSION LABS, INCORPORATED, and Defendant, ADOBE SYSTEMS, INCORPORATED, to dismiss with prejudice all claims asserted in this cause, and the Court being apprised of the grounds therefor and being of the opinion that said motion should be GRANTED, it is hereby

ORDERED, ADJUDGED AND DECREED that all claims or causes of action asserted in this suit by Plaintiff, COMPRESSION LABS, INCORPORATED, against Defendant, ADOBE SYSTEMS, INC. are hereby dismissed with prejudice to the right of the parties to assert in the future any such claims.

It is further ORDERED that all attorneys fees and costs are to be borne by the party who incurred them.

SIGNED this _____ day of _____ 2004.

UNITED STATES DISTRICT JUDGE